

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTOINE TERRELL MOORE,

Petitioner,

v.

PEOPLE OF THE STATE OF
CALIFORNIA, et al.,

Respondent.

Case No. [19-cv-01814-JST](#)

**ORDER DISMISSING PETITION FOR
WRIT OF HABEAS CORPUS;
DENYING CERTIFICATE OF
APPEALABILITY**

Petitioner, a state prisoner incarcerated at Mendocino County Jail, filed the instant *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging a conviction from Mendocino County Superior Court. Dkt. No. 1. On July 22, 2019, the Court denied the amended petition's first two claims because they alleged violations of state law and therefore failed to state cognizable claims for federal habeas relief. The Court dismissed the third claim, a claim of ineffective assistance of counsel, as too conclusory to state a cognizable claim for federal habeas relief. Dkt. No. 11. The Court granted petitioner leave to file a second amended petition correcting this deficiency no later than August 19, 2019. The Court cautioned petitioner that failure to file a second amended petition by the deadline would result in the dismissal of this action for failure to prosecute under Federal Rule of Civil Procedure 41(b). *Id.* at 3-4. Petitioner has not filed a second amended petition, and the deadline by which to do so has passed. For the reasons stated in the order of dismissal with leave to amend, this petition for a writ of habeas corpus is DISMISSED for failure to state a cognizable claim for federal habeas relief. The Court also finds that Petitioner has not made a substantial showing that he has been denied a constitutional right, and therefore DENIES a certificate of appealability. *See* 28 U.S.C. § 2253(c)(2) (judge shall grant a certificate of appealability "only if the applicant has made a

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substantial showing of the denial of a constitutional right).

The Clerk shall enter judgment and close the file.

IT IS SO ORDERED.

Dated: October 17, 2019



JON S. TIGAR
United States District Judge